



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 6 2013

OFFICE OF  
AIR AND RADIATION

Mr. Christopher Brennan  
WestLaw CourtExpress  
1100 13<sup>th</sup> Street NW  
Suite 300  
Washington, DC 20005

RE: Freedom of Information Act request, EPA-HQ-2013-004407

Dear Mr. Brennan:

This is in response to the Freedom of Information Act ("FOIA") request dated March 12, 2013. You have requested various documents regarding the equipment manufacturer flexibility provisions (40 CFR § 1039.625), including equipment manufacturer flexibility notifications of intent, equipment manufacturer reports, emails, letters, other reports and other equipment manufacturer flexibility correspondence between the U.S. Environmental Protection Agency ("EPA") and Kubota Corporation ("Kubota") and its affiliated companies.

The equipment manufacturer flexibility notification of intent letter(s) and equipment manufacturer flexibility reports that are responsive to your request have been claimed as confidential business information ("CBI") by Kubota. We have contacted Kubota, who has confirmed their CBI claim. They have also authorized EPA to release to you redacted versions of their other responsive records. As stated in our telephone discussions, Kubota is an integrated manufacturer producing both equipment manufacturer flexibility engines for itself and its clients as well as producing flexibility equipment. The attached documents pertain primarily to Kubota as an equipment manufacturer as agreed upon in our discussions and have been redacted by EPA.

Please review the attached information to determine if you are interested in pursuing the redacted information and the withheld notification letters and annual usage reports. If you are no longer interested in this information, please respond to me in writing within the next twenty (20) calendar days. If we do not hear from you within this twenty-day time frame, we will assume you are no longer interested in this information. If, after you have reviewed the attached documents, you determine that you are still interested in the information that has been claimed as CBI, these documents will need to undergo additional review pursuant to 40 CFR § 2.201 *et. seq.* Such review will be conducted by EPA's Office of General Counsel ("OGC") and will require additional payment of fees in accordance with 40 CFR § 2.107 *et. seq.* Pursuant to 40 CFR § 2.107(e), the Agency will do no further work on your request at this juncture until you agree to pay the total fees estimated to complete CBI review and provide an assurance of payment.

Please understand that you will be required to pay the incurred fees regardless of whether the information is ultimately released or withheld as business confidential. 40 CFR § 2.107(c)(1)(i).

Please contact Melvis Strickland of my staff at (202) 343-9323, if you have any questions. Enclosed is a bill for the amount of \$610.70.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Justin Greuel', is written over the printed name.

Justin Greuel, Director  
Diesel Engine Compliance Center

Enclosures